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K. GREER, 4TH DISTRICT  
Chairman  
W. ROBERT CHESTNUT, 6TH DISTRICT  
Vice-Chairman  
FRANCES DANIEL, 5TH DISTRICT

COMMISSIONERS  
VERNON B. STRICKLAND, 1ST DISTRICT  
DR. LEOLA ADAMS, 2ND DISTRICT  
DORIS H. BROWN, 3RD DISTRICT

# State of South Carolina State Ethics Commission

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EXECUTIVE DIRECTOR

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COLUMBIA, S.C. 29211

## NEWSLETTER

SEPTEMBER 1979

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STATE DOCUMENTS  
NO. 80-001

THIS FIRST NEWSLETTER FROM THE STATE ETHICS COMMISSION BRINGS YOU UP-TO-DATE ON RECENT COMMISSION ACTIVITIES. It also includes a DIGEST OF ADVISORY OPINIONS approved at the August 21 meeting. Posting and/or reproduction and distribution of this newsletter and DIGEST to the widest segment of your agency is encouraged. We have also attached an updated copy of the RULES OF CONDUCT. Permanent posting of those rules and distribution to employees and officials of your agency would be appreciated.

### NEW COMMISSION MEMBERS

On June 18, the State Ethics Commission had two new members confirmed. Mrs. Frances Daniel and Dr. Leola Adams were appointed to four-year terms on the Commission by Governor Riley. Mrs. Daniel represents the Fifth District and is a housewife from Rock Hill. Dr. Adams represents the Second District and is a Professor of Home Economics at S. C. State College.

Mrs. Daniel replaces Mrs. Sylvia Holley, the Commission secretary, while Dr. Adams replaces Mrs. Minnie Johnson. The two outgoing Commission members were honored with resolutions passed by the Commission members at the June 22 meeting.

### COMMISSION SECRETARY ELECTED

Mrs. Doris Brown was elected at the August 21 meeting to serve as Secretary. Mrs. Brown has served on the Commission since its inception in 1976. She replaces Mrs. Sylvia Holley as secretary, whose term expired in May.

### ASSISTANCE

The staff of the State Ethics Commission is available to respond to questions concerning the provisions of the State Ethics Act. The staff will either provide the necessary guidance or request that you seek an advisory opinion (if it is deemed appropriate).

The staff is also prepared to offer a one-hour program on the State Ethics Act to public agencies or shorter programs for speeches to various organizations. Please contact the Commission office if such assistance would be helpful.

### COMMISSION ACTION ON COMPLAINTS

At its June 22 meeting, the Commission took action on seven complaints. Four complaints were handled concerning employees of the Grand Strand Water and Sewer Authority utilizing personnel, vehicles, and equipment for their personal financial benefit. The Commission referred the complaints to the Attorney General's Office for prosecution. The Commission also took action on a complaint against an employee of the Department of Youth Services charged with converting funds to his own use. The Commission referred the matter to the Department of Youth Services for appropriate disciplinary action. Two other complaints await judicial action.

At the Commission's August 21 meeting, complaints were dismissed against two former employees of DHEC who were offered and accepted employment from a waste disposal firm. The Commission determined that the firm was not regulated at the time such employment was offered and accepted.

### ELECTION REMINDERS

Candidates for public office are to file a Statement of Economic Interests within twenty days after becoming a candidate for a publicly elective office. Section 8-13-610 of the Code of Laws provides that the candidate's name shall not appear on the election ballot if the Statement is not properly filed.

Candidates and committees are required to file a Campaign Disclosure Form within 30 days after each election in which they are involved. The Statement (continued Page Two-Election)



ELECTION REMINDERS  
(continued from Page One)

of Economic Interests forms and Campaign Disclosure Forms are available from the County Clerk of Court. Copies have also been provided to the Election Commissions and Party Chairmen and are available from the State Ethics Commission office.  
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LEGISLATION

The General Assembly passed one bill amending the State Ethics Act during its just-completed session. The bill allows the House and Senate Ethics Committees to recommend legislation concerning ethics at any time, eliminating a provision that such legislation could only be introduced within thirty days after the start of each legislative session.

The General Assembly also repealed the laws requiring certain pledges and statements dealing with the use of campaign funds to buy votes or alcohol. This repeal eased the reporting requirements for candidates by eliminating a minimum of two reports and possibly more. The candidates are still, however, required to file the Campaign Disclosure Form within 30 days after each election.

The House and Senate Ethics Committees took under consideration amendments to the State Ethics Act. More comprehensive campaign disclosure guidelines were proposed. The State Ethics Commission also proposed eliminating the \$20,000 reporting threshold and instead proposed that all agency administrators and deputy administrators, all school board members, and chief purchasing officials and finance officials of each agency be required to file. The Commission also proposed including a listing of all business associations in addition to those conducting business with public agencies.

Two bills were introduced in the Senate to prohibit nepotism and to enable the State Ethics Commission to hire necessary personnel. The nepotism bill prohibited the hiring or supervision of a defined-group of relatives or family members, except upon approval of the appropriate supervisory office. The other bill provided for the State Ethics Commission to hire necessary personnel, not just secretarial staff, as is presently included in the law. Both bills were introduced and were referred to the Senate Rules Committee.

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ELECTIONS

As soon after nomination filings are closed, party officials or election commissions responsible for elections

should provide the State Ethics Commission with the names and dates that candidates filed in order that records can be reviewed to determine that all candidates have properly filed and verify that the candidates' names may properly appear on the ballot. The Commission can then notify the appropriate office of any problems.  
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ADVISORY OPINION PUBLICATION

The full text of advisory opinions issued during fiscal year 1978-79 has been published in booklet form. Please notify the Commission office if you desire a copy.  
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STATEMENTS OF ECONOMIC INTERESTS

Any public employee or public official whose annual compensation rate increases to \$20,000 or more during the calendar year is required to file a Statement of Economic Interests at the time of such compensation adjustment. The Statement must also be filed before a newly-hired or appointed employee or official takes the oath of office or assumes the duties of the position if that office or position involves an annual compensation rate of \$20,000 or more. An annual update to such statements is required prior to April 15 of each subsequent year.

If any compensation increase has placed your salary at or above the \$20,000 reporting requirement, please complete and return your Statement of Economic Interests immediately. If you need assistance, call (803) 758-7408.  
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CAMPAIGN DISCLOSURE BY COMMITTEES

For reporting purposes, the requirements for Campaign Committees are the same as the requirements for candidates. CANDIDATES AND/OR COMMITTEES ARE REQUIRED TO FILE A CAMPAIGN DISCLOSURE REPORT WITHIN 30 DAYS AFTER EACH ELECTION.

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MAILING LIST

Contact the Commission office if additional offices or personnel in your agency need to be added to our mailing list.

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# State of South Carolina State Ethics Commission

## DIGEST OF ADVISORY OPINIONS

August 21, 1979

No. 14

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80-001      SUBJECT: COUNTY SUPERVISOR VOTING ON ISSUE AFFECTING SPOUSE'S  
EMPLOYER

A County Supervisor whose spouse works for the county attorney should follow the procedures in §8-13-460(a) and (c) whenever he is required to vote on matters directly relating to the retention of the attorney and setting his salary.

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80-002      SUBJECT: BOARD MEMBER'S FIRM BIDDING ON PENSION PLAN PROPOSAL

Riverbanks Zoo has put its request for proposals for a pension plan out on public notice and competitive bidding. A member of the Zoo Commission is associated with a life insurance company as an independent contractor. Another independent contractor of the same company may bid on the proposal provided that the Commission member disclose his conflict and disqualify himself from discussion or votes on the pension plan contract in accordance with §8-13-460(a) and (c).

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80-003      SUBJECT: MEMBER OF RECREATION COMMISSION AS PAID RECREATION WORKER

A part-time recreation employee who also serves on the Recreation Commission should take the disclosure and disqualification procedures of §8-13-460(a) and (c) whenever a matter is raised requiring actions or decisions which would affect his personal financial interests.

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80-004      SUBJECT: COMMISSION MEMBER BUYING GOODS AND SERVICES FROM AGENCY

A member of the Commission on Forestry may purchase forest tree seedlings from the Commission in accordance with the provisions of §48-23-100. The Commission member may also lease or rent site preparation and tree planting equipment from the Commission provided that §8-13-410 and §8-13-460 are complied with.

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80-005      SUBJECT: ASSOCIATE OF AGENCY BOARD MEMBER SEEING AGENCY CLIENTS

An ophthalmologist on the Commission for the Blind should not use his office to obtain financial gain for his business. The ophthalmologist is required to take the procedures in §8-13-460(a) and (c) on matters which may affect the practice with which he is associated, including the establishment of fee schedules for professional services.

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80-006      SUBJECT: DISCLOSURE BY CLERK OF COURT

A Clerk of Court has been advised by the Attorney General's Office that fees received for auctioning land under default or foreclosure are to be paid to the County Treasurer. The reporting of such fees on the Statement of Economic Interests is a moot question.



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80-007      SUBJECT:    CITY COUNCILMAN WITH POTENTIAL CONFLICT

A city councilman with a member of his household employed by a bank is required to follow the provisions of §8-13-460(a) and (c) whenever required to take actions or make decisions affecting his financial interests, those of a member of his household or the bank with which a member of his household is associated.

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80-008      SUBJECT:    PARKS, RECREATION AND TOURISM DIVISION DIRECTOR ACCEPTING  
AIR TRANSPORTATION

To avoid even the appearance of impropriety, the Director of Tourism at PRT should not accept air transportation from Southern Living magazine to attend a conference on tourism.

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80-009      SUBJECT:    CAMPAIGN DISCLOSURE BY ADVERTISING COORDINATOR

A committee's advertising coordinator who was an agent of that committee is not personally responsible for filing the Campaign Disclosure Form. The committee which pooled campaign funds from several local candidates should file the Campaign Disclosure within thirty days after each election.

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80-010      SUBJECT:    PSYCHIATRIST SERVING ON AREA MENTAL HEALTH CENTER BOARD

A psychiatrist who has been appointed by the Governor to serve on an area mental health board is advised to follow the disclosure and disqualification procedures of §8-13-460(a) and (c) on matters which might directly affect his financial interests.

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80-011      SUBJECT:    EMPLOYEE OF RURAL WATER DISTRICT SERVING ON DISTRICT  
BOARD OF DIRECTORS

There are no specific provisions in the State Ethics Act to prohibit an employee from also serving on the agency's board. The person should take the disclosure and disqualification procedures of §8-13-460(a) and (c) on matters affecting his personal financial interests.

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80-005      SUBJECT:    ASSOCIATE OF AGENCY BOARD MEMBER SERVING AGENCY CLIENTS

An optometrist on the Commission for the Blind should not use his office to obtain financial gain for his business. The optometrist is required to take the procedures in §8-13-460(a) and (c) on matters which may affect the practice with which he is associated, including the establishment of fee schedules for professional services.

---

80-006      SUBJECT:    DISCLOSURE BY CLERK OF COURT

A Clerk of Court has been advised by the Attorney General's Office that fees received for auctioning land under delinquent or foreclosure are to be paid to the County Treasurer. The reporting of such fees on the Statement of Economic Interests is a moot question.



# State of South Carolina State Ethics Commission

## RULES OF CONDUCT

### **8-13-410. USE OF OFFICIAL POSITION OR OFFICE FOR FINANCIAL GAIN.**

No public official or public employee shall use his official position or office to obtain financial gain for himself.

### **8-13-420. GIVING OR OFFERING COMPENSATION TO INFLUENCE ACTION OF PUBLIC OFFICIAL OR EMPLOYEE.**

Whoever gives or offers to any public official or public employee any compensation to influence his actions, vote, opinion or judgment as a public official or public employee or such public official solicits or accepts such compensation to influence his action, vote, opinion or judgment shall be subject to the punishment as provided by 16-9-210 and 16-9-220 of the 1976 Code. The provisions of this section shall not apply to political contributions unless such contributions are conditioned upon the performance of specific actions of the person accepting such contributions nor shall they prohibit a parent, grandparent or relative from making a gift to a child, grandchild or other close relative for love and affection except as hereinafter provided.

### **8-13-430. PAYMENT OR RECEIPT OF ADDITIONAL COMPENSATION FOR ASSISTANCE OF PUBLIC OFFICIAL OR EMPLOYEE IN COURSE OF HIS EMPLOYMENT.**

No person shall offer or pay to a public official or public employee and no public official or employee shall solicit or receive any money in addition to that received by the public official or public employee in his official capacity for advice or assistance given in the course of his employment as a public official or public employee.

### **8-13-440. USE OR DISCLOSURE OF CONFIDENTIAL INFORMATION FOR FINANCIAL GAIN.**

No public official or public employee shall use or disclose confidential information gained in the course of or by reason of his official position or activities in any way that would result in financial gain for himself or for any other person.

### **8-13-450. MEMBERSHIP ON OR EMPLOYMENT BY REGULATORY COMMISSION OF PERSON ASSOCIATED WITH REGULATED BUSINESS.**

Unless otherwise provided by law, no person shall serve as a member of a governmental regulatory agency that regulates any businesses with which that person is associated. Any employee of such regulatory agency which regulates a business with which he is associated shall annually file a statement of economic interest notwithstanding the provisions of Section 8-13-810. No person shall be an employee of such regulatory agency which regulates a business with which he is associated if this relationship creates a continuing or frequent conflict between his private interests and the performance of his public duties or that would impede the full and faithful discharge of his public duties.

### **8-13-460. ACTIONS TO BE TAKEN BY PUBLIC OFFICIAL OR EMPLOYEE WHERE A DECISION WOULD AFFECT HIS FINANCIAL INTEREST.**

Any public official or public employee who, in the discharge of his official duties, would be required to take action or make a decision which would substantially affect directly his personal financial interest or those of a member of his household, or a business with which he is associated, shall instead take the following actions:

(a) Prepare a written statement describing the matter requiring actions or decisions, and the nature of his potential conflict of interest with respect to such action or decision.

(b) If he is a legislator, he shall deliver a copy of such statement to the presiding officer of his legislative branch. The presiding officer if requested by the legislator shall cause such statement to be printed in the journal and, upon request, shall excuse a legislator from votes, deliberations, and other action on the matter on which a potential conflict exists; provided, however, any statement delivered within twenty-four hours after the action or decisions shall be deemed to be in compliance with this section.

(c) If he is not a legislator, he shall furnish a copy to his superior, if any, who shall assign the matter to another employee who does not have a potential conflict of interest. If he has no immediate superior, he shall take such steps as the State Ethics Commission shall prescribe through rules and regulations to remove himself from influence over actions and decisions on the matter on which the potential conflict exists.

### **8-13-470. APPEARANCE BY PUBLIC OFFICIAL OR EMPLOYEE BEFORE CERTAIN COMMISSIONS.**

No public official or public employee shall appear before the South Carolina Public Service Commission, the South Carolina Dairy Commission or the South Carolina Insurance Commission in rate or price fixing matters. This prohibition shall also apply to partners or associates in the law firm of a member of the General Assembly. Whenever it is required by law for a member of the General Assembly to appear because of his business interest as an owner or officer of such business or in his official capacity as a member of the General Assembly, the provisions of this section shall not apply.

### **8-13-480. CONTRACTING BY PUBLIC OFFICIAL OR EMPLOYEE WITH GOVERNMENTAL AGENCY WITHOUT COMPETITIVE BIDDING.**

No public official or public employee and no business with which a public official or public employee is associated shall enter into any contract with a governmental agency or department which is to be paid in whole or in part out of governmental funds, where such a contract is normally awarded through a process of public notice and competitive bidding, unless the contract has been awarded through a process of public notice and competitive bidding.

### **8-13-490. OFFER BY PERSON IN REGULATED BUSINESS AND RECEIPT BY MEMBER OR EMPLOYEE OF REGULATORY COMMISSION OF ANYTHING OF VALUE; LIMITATION ON FORMER MEMBER OF COMMISSION SERVING AS LOBBYIST.**

No person shall offer or give to a member or employee of a governmental regulatory agency or department that regulates a business with which such person is associated, and no member or employee of such agency or department shall solicit or accept from any such person, anything of value, including a promise of future employment or a favor or service, while the member or employee is associated with the regulatory agency or department. No former member or employee of such agency shall serve as a lobbyist or represent clients before such agency or department for a period of two years after he leaves the agency or department.



# State of South Carolina State Ethics Commission RULES OF CONDUCT

8-13-418. USE OF OFFICIAL POSITION OR OFFICE FOR FINANCIAL GAIN.  
No public official or public employee shall use his official position or office to obtain financial gain for himself.

8-13-420. GIVING OR OFFERING COMPENSATION TO INFLUENCE ACTION OF PUBLIC OFFICIAL OR EMPLOYEE.  
Whoever gives or offers to any public official or public employee any compensation to influence his actions, vote, opinion or judgment as a public official or public employee or such public official solicits or accepts such compensation to influence his action, vote, opinion or judgment shall be subject to the punishment as provided by 16-9-210 and 16-9-220 of the 1976 Code.

The provisions of this section shall not apply to political contributions unless such contributions are conditioned upon the performance of specific actions of the person accepting such contributions nor shall they prohibit a parent, grandparent or relative from making a gift to a child, grandchild or other close relative for love and affection except as hereinafter provided.

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No person shall offer or pay to a public official or public employee and no public official or employee shall solicit or receive any money in addition to that received by the public official or public employee in his official capacity for advice or assistance given in the course of his employment as a public official or public employee.

8-13-440. USE OR DISCLOSURE OF CONFIDENTIAL INFORMATION FOR FINANCIAL GAIN.  
No public official or public employee shall use or disclose confidential information gained in the course of or by reason of his official position or activity in any way that would result in financial gain for himself or for any other person.

8-13-450. MEMBERSHIP OR EMPLOYMENT BY REGULATORY COMMISSION OF PERSON ASSOCIATED WITH REGULATED BUSINESS.  
Unless otherwise provided by law, no person shall serve as a member of a governmental regulatory agency that regulates any business with which that person is associated. Any employee of such regulatory agency which regulates a business with which he is associated shall annually file a statement of economic interest notwithstanding the provisions of Section 8-13-810. No person shall be an employee of such regulatory agency which regulates a business with which he is associated if this relationship creates a continuing or frequent conflict between his private interests and the performance of his public duties or that would impede the full and faithful discharge of his public duties.

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